

**REMARKS**

Upon entry of the present amendment, claims 1-9 will remain pending in the above-identified application and stand ready for further action on the merits.

***Claim Rejection - 35 U.S.C. § 103(a)***

In the outstanding Office Action, at pages 2-4 thereof, claims 1-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yabu JP '354 (JP 2003-159354). Further, Claims 8-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yabu JP '354 in view of Suzuki JP' 286 (JP 2000-144286).

Reconsideration and withdraw of each of these rejections is respectfully requested based on the following considerations.

Firstly, the primary cited reference, Yabu JP '354, is an intervening reference. Yabu JP '354 was published on June 3, 2003, while the present application was filed on January 30, 2004, claiming priority based on Japanese patent application No. 2003-28638 (JP '638) filed on February 5, 2003, which is earlier than the publication date of Yabu JP '354. Further, the claims of the present invention are fully supported by the Japanese priority application (JP '638), a verified English translation of which is submitted herewith.

Therefore, Applicants have perfected their claim to priority under 35 U.S.C. § 119 and have appropriately antedated the Yabu JP '354 reference. Therefore, the rejection of claims 1-7 over Yabu JP '354 has been rendered moot.

Further, as Yabu JP '354 has been antedated, a *prima facie* case of obviousness is not established by Suzuki JP' 286 alone.

Therefore, the rejection of claims 9-10 under 35 U.S.C. § 103(a) as being unpatentable over Yabu JP '354 in view of Suzuki JP' 286 has also been rendered moot.

Accordingly, withdraw of these rejections is respectfully requested.

### **CONCLUSION**

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims 1-9 are allowed under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Andrew D. Meikle (Reg. No. 32,868) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/766,836  
Amendment dated November 18, 2005  
Reply to Office Action of August 20, 2005

Docket No.: 0229-0794P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By   
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